

ASSEMBLY BILL

No. 2735

Introduced by Assembly Member Jones-Sawyer

February 19, 2016

An act to add Section 19849.17 to the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2735, as introduced, Jones-Sawyer. Public employees: unused leave credit.

Existing law authorizes the Department of Human Resources, with respect to each state officer and employee who either is excluded from the definition of state employee by specified law, or is a nonelected officer or employee of the executive branch of government who is not a member of the civil service, to provide for vacation, sick leave, annual leave, and bereavement leave benefits, including the lump-sum payment of any amount of accumulated leave. Existing regulations of the department authorize, upon an annual determination by the department whether or not a buy-back will be offered, prescribed buy-back of unused leave credit by managerial, supervisory, confidential, excluded, and related employees, including annual caps of 80 hours for managerial employees and 40 hours for nonmanagerial employees.

This bill would authorize certain of those employees, upon the department's annual determination, to elect annually to be paid at their regular rate of pay for up to 80 hours of eligible unused leave credit. The bill would require the department to determine the date of eligibility and conditions of buy-back and the period for application.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19849.17 is added to the Government
2 Code, to read:
3 19849.17. (a) Upon the annual determination by the
4 Department of Human Resources whether or not a buy-back of
5 unused leave credit will be offered, employees designated as
6 supervisory, confidential, or excluded pursuant to subdivision (c),
7 (f), or (g) of Section 3513 and employees designated as managerial
8 pursuant to subdivision (e) of Section 3513 or Section 18801.1
9 may annually elect to be paid at their regular rate of pay for up to
10 80 hours of unused leave credit. For the purposes of buy-back,
11 eligible leave may be a combination of vacation leave, annual
12 leave, personal leave, personal holiday, or holiday credit.
13 (b) The Department of Human Resources shall determine the
14 date of eligibility and conditions of buy-back and the period during
15 which application for buy-back will be accepted.

O